

REQUEST FOR REFUND				Docket No. FULLN013USPT02
Serial No. 10/771,898	Filing Date February 4, 2004	Examiner Andrew W. Sutton	Group Art Unit 3765	
Applicant: Piper et al.				
Invention: Protective Headguard				

Mail Stop 16
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

The USPTO mailed a Final Office Action for the above-referenced patent application on November 17, 2008, setting forth a three (3) month shortened statutory period for response. Applicant electronically filed a Response to the Final Office Action on December 17, 2008, one (1) month after the mailing date of the Final Office Action. Since the Response was filed within two (2) months from the mailing date of the Final Office Action, USPTO practice prevents extension of time fees from accruing until the *later* of the three (3) month shortened statutory period for response or the date an Advisory Action is received.

The USPTO mailed an Advisory Action on May 7, 2009.

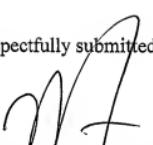
Applicant filed a Notice of Appeal on May 15, 2009, less than one (1) month after the mailing date of the Advisory Action.

On June 12, 2009 the USPTO charged Applicant's Attorney's deposit account for a three (3) month extension of time in the amount of \$555 in connection with Applicant's filing of the Notice of Appeal. The USPTO should have only charged the deposit account for a one (1) month extension of time in the amount of \$65. Applicant respectfully requests a refund of the \$490 difference between the three month and the one month extension of time fees.

Respectfully submitted,

Date 20 July 2009

By


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